



JFW

Docket No.: 245402004400  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Design Application of:  
Hiromi MATSUMOTO et al.

Application No.: 10/049,297

Art Unit: 3764

Filed: February 11, 2002

Examiner: G. E. Richman

For: **METHOD OF DETERMINING EXERCISE  
INTENSITY AND APPARATUS EMPLOYING  
THE SAME**

**AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**

Customer Window, MS Amendment  
U.S. Patent and Trademark Office  
220 20th Street S.  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Dear Sir:

**INTRODUCTORY COMMENTS**

This is in response to the non-final Office Action dated September 30, 2004, for which a response is due on October 30, 2004. Accordingly, this response is timely filed. Applicant elects to prosecute the claims of Group I, claims 1-16 and 23-36, *without traverse*. Due to their dependence on non-elected claims, claims 32-34 have been withdrawn from consideration, as well. Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 8 of this paper.



Application No. (if known): 10/049,297

Attorney Docket No.: 245402004400

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Note: The following papers are submitted:

Transmittal (1 page)  
Amendment in Response to Non-Final Office Action (8 pages)

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PTO/SB/21 (04-04)

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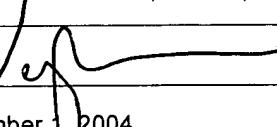
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		Application Number	10/049,297
		Filing Date	February 11, 2002
		First Named Inventor	Hiromi MATSUMOTO
		Art Unit	3764
		Examiner Name	G. E. Richman
Total Number of Pages in This Submission		Attorney Docket Number	245402004400

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Return Receipt Postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
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<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP Wayne C. Jaeschke, Jr. - 38,503
Signature	
Date	November 1, 2004